



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

KIRK ARSENAULT,

Plaintiff,

- against -

DEUTSCHE BANK TRUST CORPORATION,
DEUTSCHE BANK TRUST COMPANY,
BANKERS TRUST CORPORATION,
DEUTSCHE BANK TRUST COMPANY
AMERICAS, THE BANK OF NEW YORK
TRUST COMPANY NA, BT PRIVATE CLIENTS
CORP., TULLY CONSTRUCTION CO., INC., and
TULLY INDUSTRIES,

Defendants.

Case No.: 21 MC 102 (AKH)

Case No.: 04 CV 5338 (AKH)

**STIPULATION OF
VOLUNTARY DISMISSAL OF
ALL CLAIMS ASSERTED
AGAINST DEUTSCHE BANK
TRUST CORPORATION,
DEUTSCHE BANK TRUST
COMPANY AMERICAS, AND
DB PRIVATE CLIENTS
CORPORATION ONLY
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

Plaintiff Kirk Arsenault having tendered a release, prior to the January 2, 2011 enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, of all of his claims against defendants DEUTSCHE BANK TRUST CORPORATION, individually and formerly known as Bankers Trust Corporation and Bankers Trust New York Corporation; DEUTSCHE BANK TRUST COMPANY AMERICAS, individually and formerly known as Bankers Trust Company,

and incorrectly pleaded as Deutsche Bank and Deutsche Bank Trust Company; and DB PRIVATE CLIENTS CORPORATION, formerly known as BT Private Clients Corp.; and

Plaintiff having entered into the World Trade Center Litigation Settlement Process Agreement, As Amended, as to his claims against defendants Tully Construction Co., Inc. and Tully Industries Inc.; and

All cross-claims among the defendants having been previously terminated; and

All remaining defendants in this action having consented to, and their counsel of record having executed, this Stipulation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. All claims by plaintiff KIRK ARSENAULT asserted against defendants DEUTSCHE BANK TRUST CORPORATION, individually and formerly known as Bankers Trust Corporation and Bankers Trust New York Corporation; DEUTSCHE BANK TRUST COMPANY AMERICAS, individually and formerly known as Bankers Trust Company, and incorrectly pleaded as Deutsche Bank and Deutsche Bank Trust Company; and DB PRIVATE CLIENTS CORPORATION, formerly known as BT Private Clients Corp., are voluntarily dismissed in full with prejudice; and

2. The dismissal is without costs.

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Dated: 2/7/11

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Dated: 2/4/11

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Dated: 1/31/11

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Dated: 1/31/11

SO ORDERED.

DATED: Feb. 9, 2011

Alvin K. Hellerstein
ALVIN K. HELLERSTEIN, U.S.D.J.